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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,018	08/30/2001	Huang-Tsun Chen	4444-0245PUS1	9516
2292 7590 01/04/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER AGGARWAL, YOGESH K	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 01/04/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/943,018

Applicant(s)

CHEN ET AL.

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US Patent # 6,538,692) in view of Ito (US Patent # 6,967,675)

[Claim 1]

Niwa teaches a method for providing a continuous store function for a digital multi-media input device wherein the multi-media input device is a digital camera (col. 5 lines 26-39, figure 2, element 2), comprising continuously detecting a plurality of objects to let a multimedia detecting means (figure 2, element 2) continuously acquire a plurality of multi-media data (col. 5 lines 13-18, figure 2, element 100); continuously processing said multi-media data by a multimedia processing means (col. 5 lines 29-34, figure 2, element 6), wherein said multi-media data are continuously transmitted from said multi-media detecting means to said multi-media processing means (See figure 2); and storing processed said multi-media data in an external storing means (figure 2, element 12) and a buffering means (figure 2, element 24), wherein the operation of both said external storing means and said buffering means are controlled by a storage controlling means (figure 2, element 28), wherein while said external storing means being unavailable to

storage any said multi-media data which are transmitted from said multi-media processing means said multi-media data are only continuously stored in said buffering means (col. 6 lines 56-67), following a period of time in which said external storing means are unavailable while said external storing means becomes available to store any of said recently inputted multi-media data, said multi-media data transmitted from said multi-media means and all of said multi-media data which are stored in said buffering means during the period of time in which said external storing means is unavailable are fully transmitted into said external storing means (col. 7 lines 62-col. 8 line 18, figure 4).

Niwa fails to teach wherein while said external storing means are available to store any of said recently inputted multi-media data, said multi-media data from said multi-media means are continuously stored synchronously into both said external storing means and said buffering means. However Ito teaches that main image data is stored in a main image storage area 24a of an SDRAM 24 by the memory control circuit 22 (col. 4 lines 50-54, figure 1) and after being compressed CPU 32 stores the data into a memory card 34 (col. 4 line 54-col. 5 line 27). It is noted that after storing the main image data in SDRAM 24, the CPU 32 supplies the commands to compress the image data and store it in the memory card, therefore there is some kind of synchronization between storing the data in buffer memory and external card.

Therefore taking the combined teachings of Niwa and Ito, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have stored the main image data into both buffer memory and external storing means as taught in Ito when used in the system of Niwa when the external storing means is available so that after the data is stored in the buffer memory, the CPU disables the picture taking and a compressed image data is stored in the

external storing means and therefore the CPU is not overloaded thereby increasing the efficiency since only one operation is done at a time.

[Claim 3]

Niwa teaches wherein possible reasons which let said external storing means be unavailable to storage any said multi media data comprising the quota of said external storing means is full, said external storing means being exchanged (col. 5 lines 63-67, col. 6 lines 1-27).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa (US Patent # 6,538,692), Ito (US Patent # 6,967,675) and further in view of Chan (US PG-PUB # 20030133016).

[Claim 7]

Niwa in view of Ito fails to teach wherein, after the amount of said multi-media data which is stored in said buffering means exceeds a predetermined quota, said multi-media data which are stored in said buffering means are deleted to allow storage of recently transmitted multi-media data from said multi-media processing means in said buffering means on a first-in and first-out basis. However Chan teaches a memory 30 that is a volatile memory and stores images in a first-in first out basis so that the latest images captured will replace the earliest images when the last storage cell is reached (Paragraphs 29 and 31). Therefore taking the combined teachings of Niwa, Ito and Chan it would be obvious to one skilled in the art at the time of the invention to have been motivated to have after the amount of said multi-media data which is stored in said buffering means exceeds a predetermined quota, said multi-media data which are stored in said buffering means are deleted to allow storage of recently transmitted multi-media data from said multi-media processing means in said buffering means on a first-in and first-out basis in order to

have a mechanism that is designed to overcome the storage problem associated with the fact that an incident can occur at any time within an unlimited time span, therefore it is essential to have an economical way to selectively preserve only valuable data.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.


6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
December 25, 2007


LIN YE
SUPERVISORY PATENT EXAMINER